

***Which Outcomes to Measure and Why?***

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**Submitted for Outcomes Summit II,  
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Executive Summary  
*Which outcomes to measure and why?*  
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Planning and implementing a nationwide system for identifying and measuring legal services programs' shared outcomes is challenging and requires careful thought. In deciding which shared outcomes to measure one of the first tasks must be to decide which program or programs, within a legal services organization, would be the easiest to start with and the most effective. This paper will attempt to highlight some outcomes and thoughts on the subject by compartmentalizing legal services into six (6) categories or programs. Some or all of which are found within each organization:

1. Traditional and developing substantive areas of practice. This first category of traditional and developing substantive areas of practice is the one most likely the easiest and effective in lending itself to forming and articulating shared national legal services outcomes. Shared outcomes that can be measured at the conclusion of each case.
2. PAI or Private Attorney Involvement encompasses many of the traditional and developing areas of practice so consequently the outcomes used for individual cases would be the same for reporting purposes at the national level. However, generally it is considered a separate program and rightfully so as there can be different responsibilities (or outputs) resulting in additional outcomes.
3. Pro se assistance is an example of a program where the outcomes may be arguably closer to outputs.
4. Hotlines are not yet a part of all legal services organizations and should be considered a program as defined for outcomes where they do exist. It is a relatively new innovation in the delivery of services. The LSC web site publishes Hotline studies including the *Hotline Outcomes Assessment Study Final Report – Phase III: Full-Scale Telephone Survey by the Center for Policy Research (2002).*
5. Special populations need to be considered and accommodated as appropriate in the provision and delivery of legal services. Oftentimes special populations have their own unique legal issues resulting in outcomes specific to the individual cases of the group members. Thought as to specialized populations and successful outcomes relating to them should be intertwined throughout all the categories and programs.
6. Similar to specialized populations, community education is also intertwined throughout the categories and programs listed. It is generally an intrinsic part of the work of legal services. When designing outcomes it is important to remember that the number of people who received the education is generally considered an output and not an outcome.

The outcome to be measured is the gain in knowledge and understanding because of the legal education.

It is reasonable to suggest that simplicity should be the key in establishing national shared outcomes and within the context of a pilot project. LSC's idea of every participant in Outcomes Summit II to submit one (1) outcome for recommendation is excellent and the resulting discussion around the recommendations should lead to the creation of a pilot project measuring two (2) or three (3) national outcomes.

***Which Outcomes to Measure and Why?***

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This paper will attempt to begin the conversation on which shared national outcomes to measure and why for legal services. Planning and implementing a nationwide system for identifying and measuring legal services programs' shared outcomes is challenging and requires careful thought. First some important background information on outcome measurement as presented in *Measuring Program Outcomes: A Practical Approach by the United Way of America (1996)*. In deciding which shared outcomes to measure one of the first tasks must be to decide which program or programs, within a legal services organization, would be the easiest to start with and the most effective. This focuses on the question of what constitutes a program for the purpose of outcome measurement. Agencies assign the term "program" based on various criteria, including funding source and service delivery method. In outcome measurement, a program is a set of related activities and outputs directed at common or closely related purposes that a meaningful portion of the agency's resources is dedicated to achieve. (p. 25)

The next step is to identify the program outcomes that should be candidates for regular measurement. The aim is to define a set of outcomes that track the benefits clients experience during or after encounters with the program. The outcomes selected are the foundation for all subsequent planning and implementation activities. If the outcomes are not well conceived, the value of outcome measurement is diminished. (p.31)

The value of outcome measurement is enhanced when outcomes reflect many views of the program. The result will be a richer set of outcomes that capture the program's most important benefits for clients. It should seek ideas on unintended negative outcomes that might follow from the program. (p.33). It is obvious that outcomes cannot be derived from a single viewpoint. There are various methods that may be used to gain ideas regarding outcomes, including unintended negative outcomes, for clients:

- Review the agency or program materials that might suggest what the program's results for clients or target groups are intended to be. Examples include the most recent annual report of program activities, program's mission statement; statements of purpose in funding applications, and findings from past needs assessments.
- Talk with program staff and volunteers who work directly with clients.
- Meet with key volunteers from your board and relevant committees such as strategic planning and resource development.
- Talk with current and past clients.
- Review records of complaints.
- Talk with representatives of agencies that might be a "next step" in working with the client.
- Obtain materials from other organizations that deliver similar services within the region and in other communities.
- Collaborate with other programs that have a similar mission and clients.

- Ask staff members from a different “program” or informed outsiders to observe the program as it operates and infer outcomes from what is observed.
- Talk with funders who are promoting outcome measurement. (p. 35-38)

After gaining input on a program’s outcomes from many sources, organize and refine them by developing a logic model diagram for the program. A program logic model is a description of how the program theoretically works to achieve benefits for clients. Logic models are a useful framework for examining outcomes. They help think through the steps of clients’ progress and develop a realistic picture of what the program can expect to accomplish for clients. Logic models help to identify the key program components that must be tracked to assess the programs’ effectiveness. (p.38) In preparing the logic model there are a number of principles for identifying appropriate program outcomes. For example:

- There is not a right number of outcomes for a program.
- The more immediate the outcome, the more influence a program generally has on its achievement.
- Conversely, the longer term the outcome, the less direct influence a program has over its achievement and the more likely other, extraneous forces are to intervene.
- Just because other forces may affect an outcome does not mean that it should be excluded from a program’s logic model.
- On the other hand, a program’s longer-term outcomes should not go beyond the program’s purpose.
- Similarly, a program’s outcomes should not go beyond the scope of its target population.
- It is important to consider carefully what unintended and possibly negative consequences the program may have for its clients or the community.

(p.49-51)

The input from varied sources and the work on the logic model will most likely produce a long list of outcomes for the program. Now the task, and the subject of this paper, is to decide which of these outcomes the program should try to measure. The focus is to identify a set of outcomes that reflect the program’s intended benefit for clients and any potential negative outcomes. Outcomes that are duplicative, overlapping, or clearly unimportant should be dropped immediately. Although perhaps not as important to external sources such as funders, a program should continue to include initial and intermediate outcomes. Program managers will need this information to inform them about all of the elements of the program and to pinpoint problem areas. All remaining outcomes need to be evaluated against the following criteria:

- Is it reasonable to believe the program can influence the outcome in a non-trivial way, even though it can’t control it?
- Would measurement of the outcome help identify program successes and help pinpoint and address problems or shortcomings?

- Will staff, volunteers, clients, collaborating organizations, funders, and the community accept this as a valid outcome of the program?

(p.53-55)

After looking at each outcome individually, examine the set of outcomes that are being considered:

- Do program outputs and initial, intermediate, and longer-term outcomes relate to each other logically? (Outputs are the products of a program's activities, such as the number of clients served, units of service etc.)
- Do these relationships reflect the logic of the program?
- Do the longer-term outcomes represent meaningful benefits or changes in clients' status, condition or quality of life?
- Have potential negative outcomes of the program been identified?

(p. 53)

The final task in identifying the outcomes to be measured is to seek feedback from sources that are in a position to comment on the outcomes insightfully and from sources whose support and participation will be important for later planning and implementation. This paper is addressing the "Why" first in the topic of *Which Outcomes to Measure and Why* because it is so important to put the process in context. When the paper later addresses the Outcomes the "why" they were selected will already be understood. The final identified outcomes to be measured and why they were selected will have met this last and important overall review:

- Relevant to the mission/objectives of the program?
- Outcomes for which the program should be held accountable?
- ✓ Are they important to achieve if the program is to fulfill its mission or objectives?
- ✓ Do they represent meaningful benefits or changes for clients?
- ✓ Is it reasonable to believe the program can influence them in a non-trivial way, even though it can't control them?
- Clear in defining the intended scope of the program's influence?
- Useful to program managers in efforts to identify both points of success and problems the program can correct?
- Likely to be effective in communicating the benefits of the program to outside sources i.e. funders, clients, community etc.

(p.57)

In light of all of the above, now begins the difficult task is selecting which shared national outcomes to measure for legal services organizations. It should be emphatically noted that while there may be some common denominator outcomes that will be discussed below, individual organizations must continue to be flexible and creative in their methods and delivery of services to the diverse communities that they serve. Not all legal services organizations should be held to the same set of outcomes. Otherwise there may be a danger of a chilling effect and a lack of innovative services meeting the needs of the diverse client communities and the changing legal needs. However, all legal services organizations should have outcomes relevant to the services and communities that they serve. This can be accomplished by going through the initial exercises outlined in the first section of this paper.

The selection of outcomes and why should not end with the individual organization nor stay only at the national level for LSC funded organizations. It is critical that outcomes and their measurement be part of the state justice communities' strategic plan. Client-centered services are all encompassing and evolving. All legal services, however funded, in a state justice community will have some shared outcomes that need to be articulated and measured. The exercise of determining these outcomes, how to measure them, and how to publicize them should pull together the diverse members found within a state justice community. It will provide education and team building as the entire state justice community works toward initial, intermediate and long-term outcomes. For selected papers prepared on state justice communities please see the LSC web site Abstract No. 020070 *Creating Client-Centered State Communities of Justice.*

It would be presumptuous for this writer to pretend to know, without much further study and research especially in light of the first section of this paper, all of the shared national outcomes which should be included from the different programs that may make up a legal services organization. However, this paper will attempt to highlight some outcomes and thoughts on the subject by compartmentalizing legal services into six (6) categories or programs. Some or all of which are found within each organization:

1. Traditional and developing substantive areas of practice.
2. PAI
3. Pro Se
4. Hotlines
5. Special populations
6. Community Education.

The first category of traditional substantive areas of practice includes the following: domestic violence; family law; dependency; housing including landlord/tenant and real property; consumer; employment; public benefits; education; and guardianship and estate planning. Most if not all legal services' organizations provide some direct client services in many of these areas of the law. Relatively new areas of practice are continually developing and increasing and enhancing traditional services i.e. community economic development, low-income tax clinics, racial justice, health care access, disaster relief, environmental justice; faith-based initiatives. This first category of traditional and developing substantive areas of practice is the one most familiar to this writer and most likely the easiest and most effective in lending itself to forming and articulating shared national legal services outcomes. Bay Area Legal Services, Inc. has developed 101 possible outcomes (from a model designed by legal services in New York) for the traditional and developing areas of law in which it provides services. The list captures the outcomes in individual cases at their conclusion. Outcomes farther out in time than the conclusion of the case would be difficult to track and would lack accuracy. The current list does not capture client education, trainings etc. Those outcomes are not as easily captured and are kept separately by the special projects that include non-case related outcomes. Outcomes may be added as necessary to the management information system

as new services become available. Each casehandler may list up to 5 outcomes at the conclusion of each case. The list of current outcomes is attached to this paper. Clearly because of the wide variety of the substantive areas of legal services delivered, a longer list of standardized outcomes to choose from seems to be the most effective so far.

PAI or Private Attorney Involvement encompasses many of the traditional and developing areas of practice so consequently the outcomes used for individual cases would be the same for reporting purposes at the national level. However, generally it is considered a separate program and rightfully so as there can be different responsibilities (or outputs) resulting in additional outcomes. Part of the responsibility of the PAI is to mobilize private attorneys in accepting cases, co-counseling or mentoring. Many private attorneys can offer a transferability of skills that, when combined with the knowledge of the substantive areas of law practiced by legal services, result in positive outcomes. The imparting of the knowledge of the substantive areas provided by the PAI to the private bar could be a short-term outcome. This paper is addressing outcomes that a program should try to measure. It is not necessarily considering whether an outcome appears to be measurable, or how much effort it might take to measure it. However this writer would feel remiss in not factoring in some measurability. Therefore it is important to understand that the number of private attorneys trained might be an indicator but the outcome would be the knowledge obtained. Measurability for this outcome might include pre/post testing or survey. The intermediate outcome might be the expansion of the panel in a new area of substantive law. The long-term outcome would be the successful outcomes in the individual cases resulting from the private bar's training and acceptance of such cases.

Pro se assistance is an example of a program where the outcomes may be arguably closer to outputs. If it is a one- time or occasional individual assistance, follow up to assess outcomes is difficult and would fairly follow the Hotline model and resources which will be discussed briefly in the next section. If pro se assistance is provided in a continuing clinic format, follow up as to outcomes may be more easily obtained. The outcomes would closely follow that in the PAI section i.e. short-term outcome as to knowledge gained and a long-term outcome of the successful outcomes resulting in the cases of pro se participants. Obviously, hits on a web site with pro se materials would provide numbers only and no feedback as to the actual impact or outcome without an undue amount of resources expended in an attempt to follow-up. If persons accessing the web site for pro se materials had to furnish identifying information for follow-up it may have a chilling effect and defeat the purpose of the web site in providing the information.

Hotlines are not yet a part of all legal services organizations and should be considered a program as defined for outcomes where they do exist. It is a relatively new innovation in the delivery of services. The LSC web site publishes Hotline studies including the *Hotline Outcomes Assessment Study Final Report – Phase III: Full-Scale Telephone Survey by the Center for Policy Research (2002)*. This paper will not address what can be easily accessed but it is noted as an excellent resource to be used by legal services organizations already conducting hotlines or considering implementation so that more favorable outcomes may be obtained for target populations. Hotline cases generally provide initial outcomes that again may be arguably closer to outputs as it can be difficult to capture the actual outcome obtained resulting from the assistance.



Special populations need to be considered and accommodated as appropriate in the provision and delivery of legal services. Oftentimes special populations have their own unique legal issues resulting in outcomes specific to the individual cases of the group members. Programs for outcome purposes should be created and outcomes measured for the special populations. An example would be legal services that result in the outcome of emancipation for youth that have been abandoned or neglected (but not appropriate for foster care) so that they may work additional hours to support themselves, enter into leases etc. Special populations can be defined by a sharing of characteristics or geography. Populations to include but not be limited to: elders; Native Americans; children & youth; immigrants; migrants and farmworkers; rural clients. Individual case outcomes may be the same, except for what was previously noted about unique issues, as for the general populations served by the legal services law firm. However there may also be additional internal delivery of services outcomes to the specialized populations to be provided by the organization that need to be created and measured. An outcome may be the provision of culturally appropriate legal services and materials. Again, this paper cites to the *Hotline Outcomes Assessment Study* mentioned above regarding services to non English speakers so as to increase the likelihood of successful outcomes. Thought as to specialized populations and successful outcomes relating to them should be intertwined throughout all the categories and programs mentioned in this paper.

Similar to specialized populations, community education is also intertwined throughout the categories and programs listed. It is generally an intrinsic part of the work of legal services. When designing outcomes it is important to remember that the number of people who received the education is generally considered an output and not an outcome. The outcome to be measured is the gain in knowledge and understanding because of the legal education. Again, this can usually be accomplished through a simple pre and post test given at the time of the presentation. The value of the pre and post tests is that they can be analyzed and future presentations structured and strengthened to address the shortcomings as identified in the previous tests to create successful outcomes.

In conclusion, the “traditional and developing” areas of practice for legal services currently lend themselves as the easiest to begin with and the most effective way to find shared national outcomes. Shared outcomes that can be measured at the conclusion of each case. It is reasonable to suggest that simplicity should be the key in establishing national shared outcomes and within the context of a pilot project. LSC’s idea of every participant in Outcome Summit II to submit one (1) outcome for recommendation is excellent and the resulting discussion around the recommendations should lead to the creation of a pilot project measuring two (2) or three (3) national outcomes.

Another possible best practice to consider for the future would be for every legal organization within a state justice community to develop their own individual outcomes and then come together in the state planning process to develop and measure shared outcomes and then on to the national level. Creating and measuring outcomes from bottom to top to ensure client-centered communities.

33. Case Outcome(s) Achieved Enter up to 5 codes:

01A Obtained Relief For Victim Of Fraud  
01B Obtained Federal Bankruptcy Protection  
01C Stopped Debt Collection Harassment  
01D Resolve Debt Dispute Resulting In Income  
01D1 Resolved Debt Dispute By Reducing Debt  
01E Overcame Discrimination Obtaining Credit  
01F Prevent Recovery Of Illegal Judgement  
01G Prevent Or Overcome Utility Termination  
01H Dissolve Writ Of Garnishment/Attachment  
01I Cancelled Student Loan Debt  
01J Recover Car/Damages After Wrong Action  
01K Advice/Brief Service On Consumer Matter  
02A Overcame Suspension Or Expulsion  
02B Obtained Right To Special Education  
02C Advice/Brief Service On Education Matter  
03A Overcame Job Discrimination  
03B Obtained Wages Due  
03C Prevented Or Resolved Wrongful Discharge  
03D Obtained Reinstatement Of Employment  
03E Prevent/Resolve Taking Of Emp. Benefit  
03F Expunction Of Unfounded Abuse Report  
03G Advice/Brief Service On Employm't Matter  
04A Obtained Divorce Or Annulment  
04B Divorce Or Annulment For Victim Of Abuse  
04C Obtain Or Maintain Custody Of Children  
04D Obtained/Preserved Right To Visitation  
04D1 Obtained Visitation Restrictions  
04E Obtain Guardian For Disabled/Elderly Ad.  
04F Obtain Guardianship Or Adoption Of Child  
04G Prevented Termination Of Parental Rights  
04H Obtained Domestic Violence Injunction  
04H1 Enforced Domestic Violence Injunction  
04H2 Modified Domestic Violence Injunction  
04H3 Defeated Domestic Violence Injunction  
04I Obtain/Preserve/Increase Child Support  
04J Obtained Spousal Support/Benefits  
04J1 Obtained Portion Of Retirement Benefits  
04K Obtained Real Property Rights  
04L Obtained Personal Property Rights  
04M Obtain Downward Mod. Of Child Support  
04N Established Paternity Of Child  
04O Resolve Post-Judgement Matter/Mediation  
04P Resolve Post-Judgement Matter/Litigation  
04Q Advice/Brief Service On A Family Matter  
04Q1 Obtained Name Change For Violence Victim  
05A Obtained Benefits Of Emancipation

05B Termination Of Parental Rights  
05C Advice/Brief Service On Juvenile Matter  
06A Access To Medicare Or Medicaid Provider  
06B Obtain/Preserve/Incr. Medicare/Medicaid  
06C Prevent Abuse/Assure Nursing Home Care  
06D Obtain Health/Disability Ins. Benefits  
06E Prevent Wrongful Discharge From Nursing Home  
06F Advice/Brief Service On A Health Matter  
07A Prevented Eviction  
07B Avoid Foreclosure Or Other Loss Of Home  
07C Obtained Access To Housing  
07D Cleared Credit Record To Obtain Housing  
07E Enforced Tenant's Rights  
07F Prevent/Resolve Housing Discrimination  
07G Obtained Repairs To Dwelling  
07H Resolve Property Tax/Code Violation Fine  
07I Cleared Title To Homestead Property  
07J Resolve Probate/Obtain Clear Title  
07K Advice/Brief Service On Housing Matter  
07K1 Obtained/Preserved Subsidized Housing  
07L Obtained Return Of Security Deposit  
07M Negotiated Mutual Recission Of Lease  
08A Resolve Tax Dispute Resulting In Benefit  
08B Obtain/Preserve/Increase Public Benefit  
08B1 Obtain/Preserve/Increase Food Stamps  
08C Obtain/Preserve/Increase Unemploy. Ben.  
08D Obtain/Preserve/Increase Insur./Pension  
08E Advice/Brief Service On Income Matter  
08E1 Obtain/Preserve/Increase Cash Assistance  
08F Obtained/Preserved/Increased Ssi  
08G Obtain/Preserve/Increase Ssi Disability  
09A Obtain/Preserve Rights Of Resident Alien  
09B Obtain/Preserve/Incr. Disabled/Elderly  
09C Obtain/Preserve/Incr. Institutionalized  
09D Obtain Relief For Disabled/Elderly Abuse  
09E Advice/Brief Service On Indiv. Rights  
09F Expunged/Sealed Criminal Record  
10A Obtained A Will  
10B Obtain Liv Will/Health Prox/Power Atty.  
10C Resolve Probate/Obtain Benefit/Property  
10D Overcome Susp./Restr. To Driver License  
10E Obtain Car Title  
10F Obtain Relief From Illegal Seizure Prop.  
10G Obtained Other Benefit  
10H Solved Tax Problem  
10I Advice On Tax Issues  
12A Obtained Incorporation  
12B Obtained Tax Exempt Status  
12C Obtain Assistance With Structural Issues

## Case Outcomes

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12D Obtain Assistance With Personnel Issues  
12E Obtain Assistance With Negotiations  
12F Obtain Assistance With State/Local Tax  
12G Obtain Assistance With Federal Tax Issue  
12H Obtain Assistance With Regulatory Issues  
12I Obtained Other Benefit